



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Youseff L. Bennani, William H. Bunnelle, Sou-Jen Chang, Sanjay R. Chemburkar, Jinhua Chen, Michael J. Dart, Dilinie P. Fernando, Yi-Yin Ku, Mark Lockwood, and Lei Wang

Application No.: 10/691,095

Group No.: 1614

Filed: 10/22/2003

Examiner: Graffeo, Michel

For: Spirocyclopropyl Amides and Acids and Their Therapeutic Applications

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
FOR FAILURE TO REPLY TO A FINAL REJECTION

1. This application became abandoned on June 14, 2006.
2. This application became abandoned because of an unintentional delay in the filing of a response to the Office communication mailed on December 13, 2005. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. 1.137(b)(3)).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:


MAILING

- X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. § 1.8(a)
- X with sufficient postage as first class mail.

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Date: August 2, 2007


Signature

Wanda E. Smith

** Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

3. Reply

With respect to the outstanding requirements, applicants file herewith a request for continued examination (RCE) accompanied by a submission and the requisite fee under 37 C.F.R. 1.114.

4. Fee (37 C.F.R. 1.17(m))

Applicant's status is: Other than a small entity — fee \$1,500.00.

5. Fee Payment

Please charge Deposit Account 01-0025 for the required fees. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

6. Showing

Because this petition is more than 1 year after the date of abandonment of the application, applicants additionally submit further information as to when applicants (or applicants' representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicants (or applicants' representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8th Edition, Rev.2).

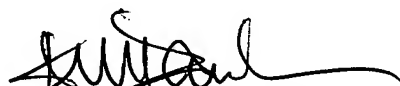
The undersigned applicants' representative was contacted telephonically by Examiner Michel Graffeo on August 10, 2006, regarding an apparent failure to respond to the Office Action dated December 13, 2005. At that time, the undersigned, who was in the process of taking over representation of the instant case as well as several closely-related and contemporaneously-filed applications, failed to identify the instant case as one directed to a particular compound under consideration for commercial development. In the time following the above telephone interview, the undersigned made efforts to contact the lead and first-named inventor regarding applicants' intentions with respect to the application; however, it transpired that this inventor left the employ of applicants' employer without advising the undersigned of his departure or the importance of the application. On subsequent discussion with other inventors, the mistake was identified and with this petition applicants seek to correct their error.

Applicants respectfully submit that at no time did they intend to abandon the instant application (which remains pending in major countries abroad). Moreover, the undersigned respectfully submits that reasonable diligence was exercised in pursuing clarification of which of the several related cases was in fact of importance, and that having now identified the instant application as such is seeking to prosecute the same expeditiously.

7. Terminal Disclaimer – This is a utility patent application; therefore a terminal disclaimer and fee are not required.

Date

8/2/2007


(Signature of person making statement that abandonment was unintentional)

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